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Attorney for Defendant

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

UNITED STATES OF AMERICA,

No. 3:18-cr-00308-IM

Plaintiff,

v.

ANTHONY WAYNE DEWEY,

**DECLARATION OF COUNSEL
IN SUPPORT OF UNOPPOSED
MOTION TO CONTINUE
SENTENCING HEARING**

Defendant.

I, Francesca Freccero, declare:

1. I represent Anthony Wayne Dewey in the above-entitled case. He has pleaded guilty to two counts of having violated 18 U.S.C. § 2251. He is set for sentencing hearing on September 8, 2020.

2. The plea agreement in this case contemplates a joint recommendation of twenty-seven years' imprisonment. We have no contested

issues at sentencing. The draft Presentence Report (PSR) has been disseminated and it endorses the recommendation of the parties in regard to the term of imprisonment.

3. As noted in my declaration in support of the previous motion to continue sentencing, Mr. Dewey's medical care while in federal custody has been the ongoing subject of hearings before the Honorable John V. Acosta, United States Magistrate Judge. Based on an order of the court, the U.S. Marshal was to ensure that Mr. Dewey was seen by a neurologist. At some point not long after our first motion to continue sentencing, Mr. Dewey was examined by a neurologist who ordered follow-up testing.

4. Before my last motion to continue the sentencing hearing, Mr. Dewey advised me that nursing staff has been attentive to his medical needs. He is taking a new anti-seizure medication that was discussed at his previous appointment with a neurologist. He has been provided a wheelchair. Staff had advised him before our June hearing date that he was scheduled for additional medical testing as had been recommended at his last outside medical examination, but that testing had been postponed because of new precautions regarding the COVID19 outbreak. He was advised that the testing would be accomplished when more typical medical appointments resume. In the time since my last motion to continue, typical operations have

not resumed at FDC Sheridan. To the contrary, FDC Sheridan has since that time been coping with the presence of COVID19-positive inmates at that facility. The recommended neurology testing has not yet occurred.

5. The results of the neurology examination may be important to Mr. Dewey's ongoing medical care while in BOP custody for many years to come. It has taken considerable effort by Mr. Dewey with the assistance of this Court to get to this stage of medical care, and it would be detrimental to Mr. Dewey to interrupt that progress. Instead, we hope to resume the care he was going to receive when conditions at Sheridan become more typical. Accordingly, we again ask to postpone the sentencing hearing so that Mr. Dewey is not moved from FDC Sheridan before the contemplated medical testing has been completed.

6. In addition, prevailing conditions have continued to prevent undersigned counsel from meeting in person with Mr. Dewey to discuss the draft PSR. Given the nature of the allegations, it is not a report that I will send into a prison environment. I seek additional time before the sentencing hearing to be sure Mr. Dewey has the opportunity to review the PSR before his sentencing hearing.

7. The government, through Assistant U.S. Attorney Natalie Wight, does not object.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge and belief and that this declaration was executed on August 14, 2020, in Portland, Oregon.

/s/ *Francesca Freccero*
Francesca Freccero
Assistant Federal Public Defender